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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,453	07/05/2001	Gerald Francis McBrearty	AUS9-2001-0338-US1	4097
7590	04/29/2009		EXAMINER	
Volel Emile International Business Machines Corporation Intellectual Property Law Department 11400 Burnet Road, Internal Zip 4054 Austin, TX 78758			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1796	
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			04/29/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GERALD FRANCIS McBREARTY,  
SHAWN PATRICK MULLEN and JOHNNY MENG-HAN SHIEH

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Application No. 09/899,453  
Technology Center 1700

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Mailed: April 29, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal.*

BENNETT, *Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 28, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**RESPONSE TO REQUEST FOR CLEAN COPY OF CLAIMS**

In response to the PTO-90C mailed on March 4, 2009, which stated in part that “[a] clean copy of the claims is required,” Appellants filed a paper entitled “Response to Request for Clean Copy of Claims” dated April 25, 2009. There is no indication on the record that the Examiner has considered the above “Response to Request for Clean Copy of Claims.”

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to consider the “Response to Request for Clean Copy of Claims” filed April 25, 2009; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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